

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

LIMELIGHT NETWORKS, INC.,
Plaintiff,

v.

Civil Action No. 3:15-cv-720-JAG

XO COMMUNICATIONS, LLC
and AKAMAI TECHNOLOGIES, INC.,
Defendants.

ORDER

This matter comes before the Court on the parties' motions to seal. (Dk. Nos. 116, 120.) The parties seek to seal information designated as confidential pursuant to this case's Stipulated Protective Order. The Court DENIES the motions.

According to the parties, the documents contain "confidential technical documentation" and "competitively sensitive technical information" that "the parties have agreed should remain confidential." Information that parties consider confidential, however, does not automatically qualify for sealing when filed as a court document. Rather, "[t]he public's right of access to judicial records and documents may be abrogated only in unusual circumstances." *Stone v. Univ. of Md. Med. Sys. Corp.*, 855 F.2d 178, 182 (4th Cir. 1988). Before a court may seal any court document, "it must (1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives." *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000).

Based on its *in camera* review, the Court finds that no unusual circumstances exist here that outweigh the public's right of access to judicial records. The parties offer no arguments as


to why the information they seek to seal warrants sealing, beyond blanket assertions of sensitivity and the fact that they believe the information to be confidential. This does not suffice. The Court, therefore, DENIES the parties' motions to seal.

The parties shall re-file all documents previously filed under seal on CM/ECF within seven (7) days of the date of this Order. The parties need not submit additional courtesy copies to chambers upon filing.

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: February ¹³14, 2017
Richmond, VA



John A. Gibney, Jr.
United States District Judge